

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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APR 18 2003

In the Matter of )  
 )  
Amendment of Section 73.202(b) )  
of the Commission's Rules )  
Table of Allotments )  
FM Broadcast Stations )  
(Sells and Willcox, Arizona, and )  
Davis-Monthan Air Force Base) )

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

MB Docket No. 02-376

RM No. 10617/10690

To: Assistant Chief, Audio Division  
Office of Broadcast License Policy  
Media Bureau

**REPLY COMMENTS**

Journal Broadcast Corporation ("Jounial"), the licensee of several radio stations in Tucson, Arizona, hereby replies to the Counterproposal filed by Lakeshore Media, LLC ("Lakeshore") in the above-captioned proceeding (the "Counterproposal" or "Lakeshore's Counterproposal"), 1 which requests, *inter alia*, that the Commission substitute Channel 285C3 at Davis-Monthan Air Force Base for Channel 285C2 at Willcox, Arizona. 2

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1 Journal is the licensee of KZPT-FM (FID No. 20403), KMXZ-FM (FID No. 2434), and KFFN(AM) (FID No. 2433), all licensed to Tucson, AZ. Journal is also the licensee of KGMG(FM), Oracle, AZ (FID No. 57504) and FM Translator K285DL, Tucson, AZ (FID No. 64688), which rebroadcasts the signal of KGMG(FM) on Channel 285. Lakeshore's Counterproposal proposes re-allotment of Channel 285 to Davis-Monthan Air Force Base, which is totally encompassed within the city of Tucson.

2 These reply comments are timely filed in response to the Commission's April 3, 2003 public notice (Rcpopl No. 2602, release April 3, 2003).

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\_\_\_\_\_  
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**As** demonstrated in the attached sworn Engineering Statement of Roy P. Stype, III (“Engineering Statement”), Lakeshore’s Counterproposal contains multiple fatal flaws that preclude its adoption by the Commission.

Perhaps most importantly, Lakeshore has failed to acknowledge that the newly-proposed community of license – Davis-Monthan Air Force Base – is fully and completely encompassed within the city of Tucson, Arizona, which is itself a community for allotment purposes. In fact, Davis-Monthan Air Force Base was deleted as a Census Designated Place in the 1990 census, as the result of having being annexed into the city of Tucson. *See* Engineering Statement at Appendix **A**.

Lakeshore’s Counterproposal is also flawed in that it proposes to allot two new Class C2 Channels to Willcox, **AZ**, as backfill allotments to compensate for acknowledged white and gray areas that would be created if the Commission were to adopt Lakeshore’s proposal. However, by recent directive from the full Commission, such so-called “backfill” allotments are impermissible, *see Pacific Broadcasting of Missouri, LLC*, 18 FCC Rcd 2291 (2003), and without the backfill allotments, Lakeshore’s Counterproposal would leave behind vast unserved and underserved areas.

Lakeshore’s Counterproposal also contains a proposed short-spacing to Mexican station XHNI-FM, Nogales, Sonora. Although Lakeshore claims that this short-spacing can be overcome through the use of a directional antenna, it is well established that analysis at the allotment stage requires the use of assumed average terrain which, as demonstrated in the attached Engineering Statement, would result in a substandard Channel 285C3 allotment at Davis-Monthan Air Force Base, with a station incapable of operating at maximum Class C3 facilities.

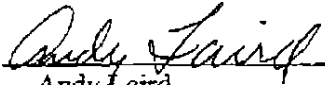
*Lastly*, both the **proposed** reference coordinates for **the** Channel 285C3 allotment at Davis-Monthan **Air Form** Base and the **proposed** new allotment reference coordinates for Channel 284C at Mesa, AZ (KZZP(FM), Mesa, AZ) – which would need to be changed in order to accommodate Lakeshore's *Counterproposal* – are both curiously close to nearby runways. Specifically, the proposed reference coordinates for the Channel 285C3 allotment at Davis-Monthan Air Force Base are located a mere 2.15 km from the Davis-Monthan Air Force Base runway. Similarly, the proposed new allotment reference coordinates for Channel 284C at Mesa, AZ are located less than 10 km from the Phoenix *Sky Harbor* Airport runway. The proximity of both of these proposed reference coordinates to airport runways, at a minimum, raises substantial questions as to whether FAA approval could be obtained for either proposal.

Accordingly, as demonstrated above and in the attached **Engineering Statement**, the Counterproposal filed by Lakeshore Media, LLC in the above-captioned proceeding does not comply with the Commission's rules and policies and therefore should not be adopted.

The undersigned hereby verifies, under penalty of perjury, that the foregoing is true and correct.

*Respectfully submitted,*

**JOURNAL BROADCAST  
CORPORATION**

By:   
Andy Laird

Its Vice President, Radio Engineering  
Journal Broadcast Group, Inc.  
720 E. Capitol Drive  
Milwaukee, WI 53212  
(414)967-5572

April 18, 2003

**CERTIFICATE OF SERVICE**

I. **Oneda Young**, hereby certify that the foregoing **Reply Comments** were sent on  
**April 18,2003**, FedEx Priority Overnight, to:

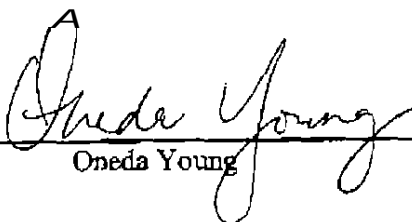
**Victoria McCauley**  
**Federal Communications Commission**  
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**PO Box 40816**  
**Mesa, AZ 85274**

  
Oneda Young

**April 18,2003**

**ENGINEERING STATEMENT IN  
SUPPORT OF REPLY COMMENTS**

**RM-10690**

**MM DOCKET 02-376**

**CHANNEL 285C3 - DAVIS-MONTHANA AFB, AZ**

**Journal Broadcast Corporation  
Tucson, AZ**

**April 17, 2003**

**Prepared For: Mr. Andy Laird  
Journal Broadcast Corporation  
P.O. Box 693  
Milwaukee, WI 53201-0693**

**CARL E. SMITH CONSULTING ENGINEERS**

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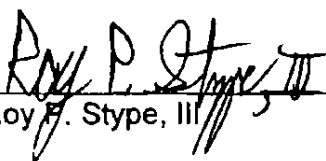
**Appendix A**

ENGINEERING AFFIDAVIT


State of Ohio                    )  
                                      ) **ss:**  
County of Summit            )

Roy P. Stype, III, being duly **sworn**, deposes and states that **he** is a graduate Electrical Engineer, a qualified and experienced Communications Consulting Engineer whose works are a matter of record with the Federal Communications Commission and that he is a member of the Firm of "Carl E. Smith Consulting Engineers" located at **2324** North Cleveland-Massillon Road in the Township of Bath, County of Summit, State of Ohio, and that the Firm has been retained by the Journal Broadcast Corporation to prepare the attached "Engineering Statement In Support of Reply Comments - RM-10690 - MM Docket 02-376 - Channel 285C3 - Davis-Monthan AFB, AZ."

The deponent states that the Exhibit was prepared by him or under his direction and *is* true of his own knowledge, except as to statements made on information and belief and as to such statements, he believes them to be true.

  
\_\_\_\_\_  
Roy P. Stype, III

Subscribed and sworn to before **me** on **April 17, 2003**.

  
\_\_\_\_\_  
Notary Public

/SEAL/

NANCY A. ADAMS, Notary Public  
Residence - Cuyahoga County  
State Wide Jurisdiction, Ohio  
My Commission Expires Sept. 5, 2005

## ENGINEERING STATEMENT

This engineering statement is prepared on behalf of the Journal Broadcast Corporation, licensee of several radio stations in the Tucson, Arizona area. It supports reply comments to the counterproposal (RM-10690) filed in MM Docket 02-376 on behalf of Lakeshore Media, LLC, the licensee of Radio Station KWCX-FM - Willcox, Arizona,

KWCX-FM presently operates on Channel 285C2. The above referenced counterproposal proposes to substitute Channel 285C3 at Davis-Monthan AFB, Arizona for Channel 28502 in Willcox, Arizona and modify the license for KWCX-FM to specify operation on Channel 285C3 at Davis-Monthan AFB. As outlined below, there are several flaws in this counterproposal which should prevent it from being adopted.

### Community Status of Davis-Monthan AFB

The KWCX-FM counterproposal includes substantial quantities of information to attempt to document that Davis-Monthan AFB qualifies as a community for allotment purposes. What it fails to mention, however, is the fact that Davis-Monthan AFB is totally encompassed within the city of Tucson, which itself is a community for allotment purposes. Appendix A to this engineering statement is a copy of the "User Notes" from 1990 U. S Census Publication **7990 CPH-2-4** which clearly indicates that Davis-Monthan AFB, which had been designated as a census designated place ("CDP") in the 1980 census, was deleted as a census designated place in the 1990 census as a result of having been annexed into the city of Tucson. A review of the 2000 U. S. Census also found that the state of Arizona does not include any type of census place with this name.



The KWCX-FM counterproposal indicates that Davis-Monthan AFB is located in and occupies nearly all of Pima County Census Tract 36. Figure 1.0, which was extracted from the Census Bureau's "American Factfinder" web site, depicts the boundaries of Pima County Census Tract 36 in relation to the Tucson city limits (the area shaded in pink in this figure). As shown in this figure, the entire area within this census tract is located within the Tucson city limits.

Based on the above information, it is obvious that all of Davis-Monthan AFB is located within the city of Tucson. This raises significant questions as to whether Davis-Monthan AFB qualifies as a community for allotment purposes since it is merely a portion of a larger community.

#### Proposed Reallotment Will Create "White Area" and "Gray Area"

The KWCX-FM counterproposal acknowledges that the proposed reallotment will create "white area" (an area which would be left devoid of full time aural service) and "gray area" (an area which would be left with only one full time aural service). It attempts, however, to overcome this issue by proposing new "backfill" allotments on Channels 245C2 and 28302 in Willcox to insure that the entire KWCX-FM loss area will continue to receive at least two full time aural services. It should be noted, however, that in *Pacific Broadcasting of Missouri, Inc.* (FCC 03-18, released February 11, 2003) the full commission directed the staff to cease the practice of permitting vacant "backfill" allotments to be added to a community to prevent the proposed reallotment of a channel from deleting a community's only local service. The rationale for this directive was that this practice has created serious administrative problems related to attempts by the station whose channel was reallocated to implement service in the new community prior

to the activation of a station occupying the 'backfill' allotment, which would leave the existing station's former community of license devoid of service until such time as a station is activated to occupy the "backfill" allotment.

This same rationale would also appear to be applicable to 'backfill' allotments which are made to prevent any portion of a station's **loss** area from being left devoid of full **time** aural service or with only one full time aural service. Thus, pursuant to this directive from the full commission, the "backfill" allotments proposed in the KWCX-FM counterproposal should not be considered in evaluating the underserved areas which will be left by the proposed reallocation.

There is also a serious conflict associated with one of the proposed 'backfill' allotments for Willcox. Specifically, the allotment of Channel 283C2 to Willcox is contingent upon Channel 285 being reallocated to Davis-Monthan AFB. Thus, it would not be possible for a station occupying this allotment to be activated until KWCX-FM has commenced operation on Channel 285C3 at Davis-Monthan AFB. On the other hand, however, it appears likely that any construction permit which would be issued to KWCX-FM for operation at Davis-Monthan AFB would be conditioned to prevent the commencement of program tests until the "backfill" allotments in Willcox have been activated to prevent the creation of unserved or underserved areas during this period of transition. Such an inconsistency would be nearly impossible to resolve and, at the very least, will result in serious contingency issues related to the proposed reallocation of Channel 285.

Based on the above information, it appears that the full commission's directive in *Pacific Broadcasting of Missouri, LLC* will prevent the FCC staff from considering either

of these proposed 'backfill' allotments in evaluating the unserved and underserved areas which would be created by the proposed KWCX-FM reallocation. As a result, this proposed reallocation would be considered to create both unserved and underserved areas, which would negatively implicate the first two FM allotment priorities and render this proposed reallocation contrary to the public interest.

Mexican FM Agreement Precludes Maximum Facilities on Channel 285C3

The KWCX-FM counterproposal acknowledges that the proposed use of Channel 28503 at Davis-Monthan AFB would be short spaced to Mexican station XHNI-FM - Nogales, Sonora, but indicates that this short spacing can be overcome pursuant to the terms of the Mexican FM Agreement by utilizing a directional antenna to suppress the radiation toward XHNI-FM to provide the required protection. At the allotment stage, however, the Mexican FM Agreement requires that uniform terrain be assumed in evaluating the protection requirements to Mexican facilities when a specially negotiated short spaced limited allotment is proposed. Assuming a uniform terrain height of 100 meters above average terrain, the maximum antenna height permitted for a Class C3 facility, would require that the radiation toward XHNI be reduced to no more than 0.43 kilowatts to comply with the protection requirements outlined in this agreement toward XHNI. Based on the 15 dB maximum suppression permitted by Section 73.316 of the FCC Rules, this would limit the maximum effective radiated power for this proposed allotment to no more than 13.6 kilowatts, well below the maximum effective radiated power of 25 kilowatts permitted for a Class C3 facility. Thus, it is obvious that Channel 285C3 at Davis-Monthan AFB would be a sub-standard allotment which would not be capable of operating with the maximum permitted facilities. This would repre-

sent an extremely inefficient use of spectrum, especially in light of the fact that the FCC Rules would require that other domestic stations protect Channel 285C3 at Davis-Monthan AFB as if it were operating with maximum Class C3 facilities.

It should also be noted that all of the showings in the KWCX-FM counterproposal depict the coverage which would result from Channel 285C3 at Davis-Monthan AFB as a circular contour assuming the use of a nondirectional antenna with maximum Class C3 facilities and uniform terrain. Thus, these map exhibits, as well as the associated gain area values overstate the actual extent of the proposed service area, both by assuming maximum Class C3 facilities and also by ignoring the directionalization requirements to protect XHNI.

#### Aeronautical Issues May Render Allotment Site Unsuitable

Figure 1.1 is a map exhibit depicting the location of the proposed reference coordinates for Channel 285C3 in relation to the runway at Davis-Monthan AFB. As shown in this figure, these proposed reference coordinates are located only 2.15 kilometers (7050 feet) north of the end of this runway. This proximity to this runway will very likely prevent the receipt of the required FAA approval for a tower of the required height (approximately 400 feet above ground) to achieve the class antenna height of 100 meters above average terrain. Thus, absent the submission of documentation to the contrary, it appears extremely likely that FAA restrictions associated with Davis-Monthan AFB will render the fully spaced site area for this allotment unsuitable for the required tower construction.

### Similar Aeronautical **Issues** Plaque Proposed **KZZP** Reference Coordinates

The allotment of Channel 285C3 to Davis-Monthan AFB also requires the specification of new allotment reference coordinates for Channel 284C in Mesa, Arizona, which is occupied by KZZP. The proposed modified reference coordinates for this allotment are located 9.4 kilometers northwest of the present KZZP transmitter site and approximately 9.8 kilometers from Phoenix Sky Harbor Airport in close proximity to the extended centerlines of both runways. In order to achieve the minimum required Class C antenna height of 451 meters above average terrain from these proposed reference coordinates would require that the antenna be located in excess of 1600 feet above ground, clearly raising substantial questions as to whether it would be possible to obtain the required FAA approval for a tower of adequate height to permit Class C operation from these proposed reference coordinates. Thus, there appears to be a strong possibility that aeronautical considerations would also render the proposed modified allotment reference coordinates for Channel 284C in Mesa unsuitable for use by a Class C station.

One alternative to consider in this situation is that KZZP actually has no intention of relocating its transmitter site but, instead, intends to remain at its present transmitter site and employ the provisions of Section 73.215 of the FCC Rules to provide the required protection to Channel 285C3 at Davis-Monthan AFB. Doing so, however, would appear to be an effort to subvert the safeguards provided by the requirement that new or modified allotments specify reference coordinates which fully comply with the spacing requirements to all domestic facilities requiring protection consideration in an effort to provide the appearance that Channel 285C3 would fully comply with these domestic

spacing requirements when in actuality no fully spaced reference coordinates would exist for Channel 285C3 at Davis-Monthan **AFB**.

**As** outlined above, the counterproposal to substitute Channel 28503 **at** Davis-Monthan **AFB** **for** Channel 285C2 in Willcox, Arizona and modify the license for **KWCX-FM** to specify operation on Channel 285C3 at Davis-Monthan **AFB** is seriously flawed. **As** a result, this counterproposal must be denied.

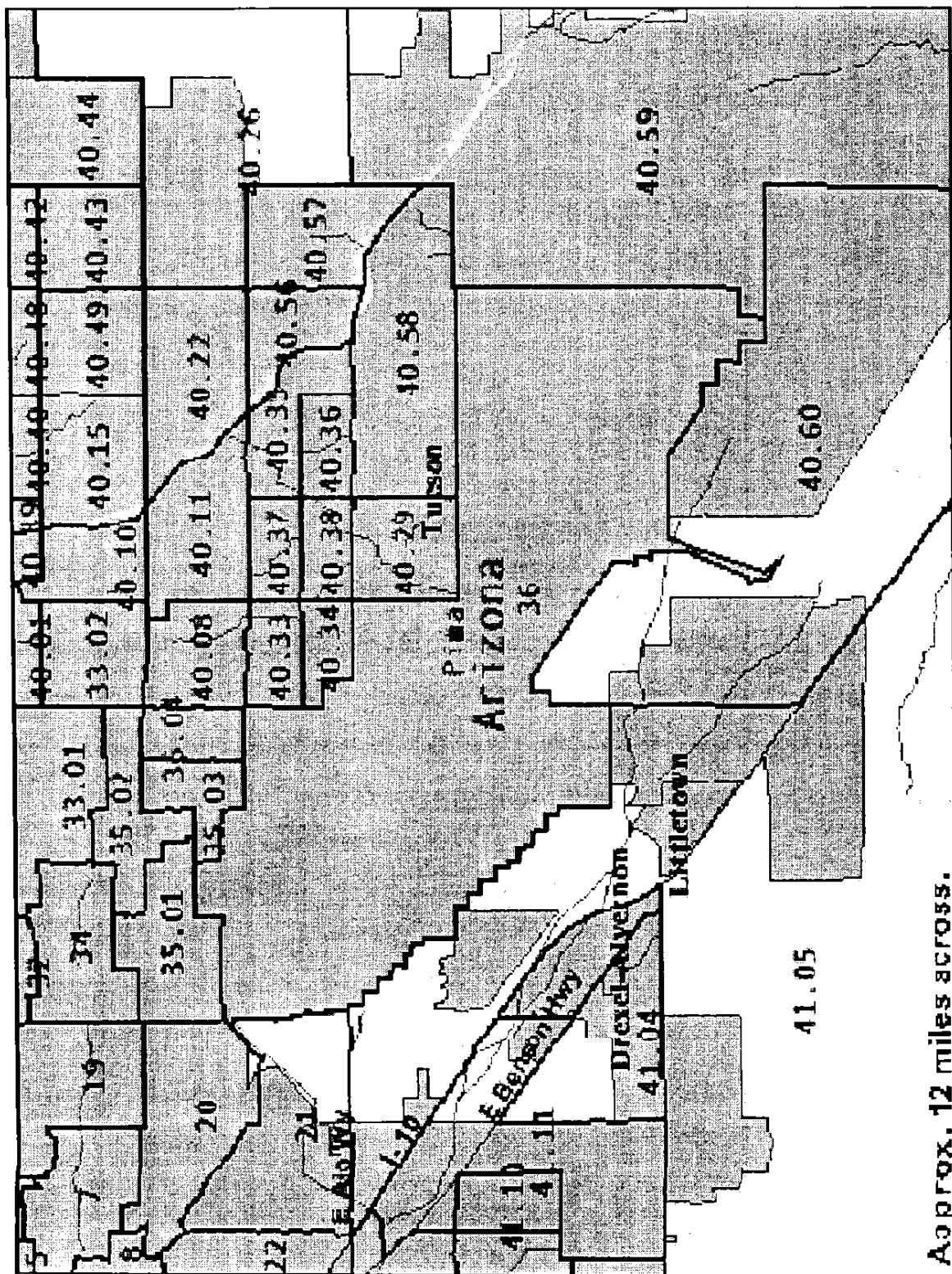
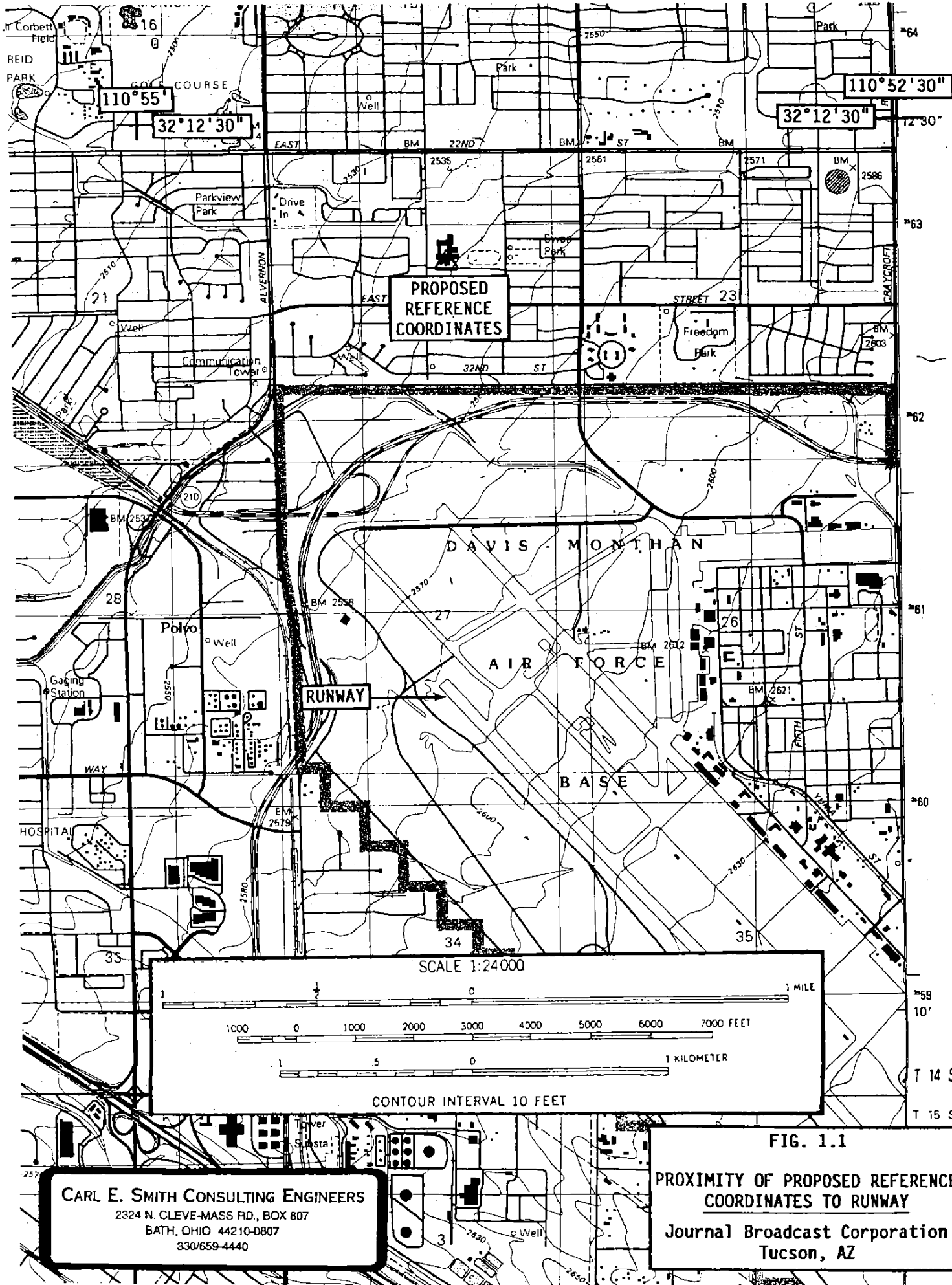


FIG. 1.0

PIMA COUNTY CENSUS TRACT 36  
JOURNAL BROADCAST CORPORATION  
TUCSON, AZ

CARL E. SMITH CONSULTING ENGINEERS  
2324 N. CLEVE-MASS RD., BOX 807  
BATH, OHIO 44210-0807  
(330) 859-4440



PROPOSED  
REFERENCE  
COORDINATES

RUNWAY

SCALE 1:24000

1000 0 1000 2000 3000 4000 5000 6000 7000 FEET

1 5 0 1 KILOMETER

CONTOUR INTERVAL 10 FEET

CARL E. SMITH CONSULTING ENGINEERS  
2324 N. CLEVE-MASS RD., BOX 807  
BATH, OHIO 44210-0807  
330/659-4440

FIG. 1.1  
PROXIMITY OF PROPOSED REFERENCE  
COORDINATES TO RUNWAY  
Journal Broadcast Corporation  
Tucson, AZ



**APPENDIX A**

**User Notes From 1990 U.S.Census  
(1990CPH-2-4)**

# USER NOTES

Additional information concerning this 1990 census product may be available at a later date. If you wish to receive these *User Notes*, contact:

Data User Services Division  
Customer Services  
Bureau of the Census  
Washington, DC 20233  
301-763-4100

Questions concerning the content of this report may be directed to:

Robert C. Speaker  
Population Division  
Population and Housing Programs Branch  
Bureau of the Census  
Washington, DC 20233

## ADDITIONAL DEFINITIONS AND EXPLANATIONS OF DATA

### GENERAL

#### User Note 1

The user should note that there are limitations to many of these data. Please refer to the text provided with this report for further explanations on the limitations of the data.

### HISTORICAL INFORMATION

Arizona was organized as a territory in 1863 from the western part of the Territory of New Mexico. Part of the Territory was annexed in 1867 by Nevada, leaving the Territory with boundaries the same as those of the present State. Arizona was admitted to the Union in 1912 as the forty-eighth State.

### GEOGRAPHIC CHANGES

The county subdivisions in this State are census county divisions (CCD's); see appendix A for additional information. The year, where shown parenthetically, relates to the Year the action was effective; the population and housing unit counts that follow, respectively, are as of April 1, 1980.

### Counties, County Subdivisions, and Places

Apache County—Annexations: Eagar town, St. Johns city, Springerville town.

Cochise County—*CCD revisions*: All areas changed boundaries. Name change: Sierra Vista division previously Tombstone division. Annexations: Benson city, Bisbee city, Douglas city, Huachuca City town, Sierra Vista city, Willcox city.

Coconino County—*Incorporated*: Sedona city (part) (1988; 5,319 and 2,971, total; 1,778 and 1,142 in Coconino County, balance in Yavapai County). Annexations: Flagstaff city, Fredonia town, Williams city. *Deleted CDP*: Sedona (part) (now incorporated).

Gila County—Annexations: Globe city, Payson town.

Graham County—Annexations: Pima town. Safford city, Thatcher town.

Greenlee County—Annexations: Clifton town, Duncan town. *Deleted CDP*: Stargo.

La Paz County—New county: Created from part of Yuma County (1983; 12,557 and 7,126, total; 11,458 and 6,534 from Parker division and 1,099 and 592 from Wellton division). *Incorporated*: Quartzsite town (1989; 1,193 and 842). Annexations: Parker town.

Maricopa County—*Incorporated*: Carefree town (1984; 964 and 646); Cave Creek town (1986; 1,712 and 777); Fountain Hills town (1989; 2,771 and 1,554); Litchfield Park city (1987; 3,657 and 1,289); Queen Creek town (1989; 1,378 and 380). Annexed into Maricopa County: Apache Junction city. Additional annexations: Avondale city, Buckeye town, Carefree town, Cave Creek town, Chandler city, El Mirage town, Gila Bend town, Gilbert town, Glendale city, Goodyear city, Mesa city, Paradise Valley town, Peoria city, Phoenix city, Scottsdale city, Surprise town, Tempe city, Tolleson city, Wickenburg town, Youngtown town. *Detachments*: Carefree town, Cave Creek town, Chandler city, Gilbert town, Glendale city, Goodyear city, Phoenix city, Tempe city. *Deleted CDP's*: Cashion (annexed by Avondale city), Cave Creek (incorporated), Dreamland-Velda Rose, Fountain Hills (incorporated), Litchfield Park (incorporated), Williams AFB (annexed by Mesa city).

Mohave **County**—*Incorporated*: Bullhead City city (1984; 10,719 and 7,238); Colorado City town (1985; 1,439 and 177). Annexations: Colorado City town, Kingman city. Lake Havasu City city. *Deleted CDP*: Bullhead Ci-Riviera (incorporated as Bullhead City city).

Navajo **County**—*Incorporated*: Pinetop-Lakeside town (1984; 2,315 and 1,634). Annexations: Holbrook city, Pinetop Lakeside town, Show Low city, Snowflake town, Taylor town. Winslow city. *Deleted CDP's*: Lakeside. Pinetop (both incorporated as Pinetop-Lakeside town).

Pima County—Annexations: Marana town, Oro Valley town, Tucson city. *Deleted CDP*: Davis-Monthan AFB (annexed by Tucson city).

Pinal County—Annexations: Apache Junction city, Casa Grande city, Coolidge city. Eloy city, Florence town.

Yavapai **County**—*Incorporated*: Camp Verde town (1966; 3,824 and 1,773); Sedona city (part), (1988; 5,319 and 2,971, total; 3,541 and 1,829 in Yavapai County, balance in Coconino County). Annexations: Clarkdale town, Cottonwood city, Prescon city, Prescott Valley town. *Deleted CDP's*: Camp Verde, Sedona (part) (both incorporated).

Yuma County—Part of Yuma County organized as LaPaz County (1983; remaining Yuma County counts: 76,205 and 29,935); includes all of Somerton and Yuma divisions. 9 population and 9 housing units in Parker division, and

5,409 population and 2,518 housing units in Wellton division. Remainder of Parker division added to Wellton division and part of Wellton CCD added to Yuma CCD for 1990. Annexations: Somerton city, Wellton town, Yuma city. *Deleted CDP*: Yuma Proving Grounds.

### **American Indian Areas**

Cocopah Reservation—Boundary change.

**Fort Mojave** Reservation (part)—Boundary change.

**Fort Yuma** (Quechan) **Reservation** (part)—Boundary change.

Gila **Bend** Reservation—Boundary change.

**Hopi** Reservation—Boundary change.

Hualapai Reservation—Trust lands added since 1980.

Navajo Reservation and Trust Lands (**part**)—Boundary change; trust lands not reported in Arizona portion in 1980.

Pascua **Yaqui** Reservation—Boundary change.

Salt **River** Reservation—Boundary change.

**Zuni Pueblo** (**part**)—Extended into Arizona since 1980.